

Message Text

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FM AMEMBASSY BUJUMBURA

TO SECSTATE WASHDC 5917

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SUBJ: HUMAN RIGHTS SITUATION IN BURUNDI

REF : STATE 14518

1. BEHIND THE FACADE OF A PREDOMINANTLY CIVILIAN CABINET, BURUNDI IS RULED BY AN ARMY-CREATED REGIME, AND ALL REAL POWER REMAINS CONCENTRATED IN THE HANDS OF SENIOR MILITARY OFFICERS. THE ARMY'S SUPREME REVOLUTIONARY COUNCIL, USUALLY THROUGH ITS EXECUTIVE COMMITTEE, CAN ISSUE ALL SORTS OF DIRECTIVES CONCERNING POLITICAL, ECONOMIC, AND SOCIAL LIFE IN THE COUNTRY, AND THERE IS NO MEANS OF APPEALING OR OPPOSING ITS DECISIONS. ONLY A SINGLE PARTY, UPRONA, EXISTS IN BURUNDI, BUT, SINCE THE COUP D'ETAT OF NOVEMBER 1, 1976, EVEN IT IS FORMALLY SUBJECT TO MILITARY ORDERS, WHICH HAVE INSTITUTED A THOROUGHGOING REORGANIZATION. THE REGIME'S STATED AIM IS TO REJUVENATE THE PARTY APPARATUS THROUGH "FREE ELECTIONS" IN BASIC PARTY UNITS, WHERE REAL CHOICE AMONG CANDIDATES WILL BE PERMITTED, BUT THIS PROCESS HAS NOT YET BEGUN.

2. THE COUP D'ETAT OF LAST NOVEMBER ABOLISHED THE CONSTITUTION THAT HAD BEEN ADOPTED TWO YEARS EARLIER, AND
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IT IS NOT CLEAR WHEN A NEW ONE WILL BE DRAFTED. SINCE THE OLD ONE ALLOWED FOR A PRESIDENTIAL DICTATORSHIP, WITH NO MEANINGFUL GUARANTEES OF CIVIC RIGHTS TO ANYONE, ITS ELIMINATION HAS NOT INVOLVED ANY REAL CHANGE IN THE SITUATION. EXCEPT FOR THE CONTINUATION OF A CURFEW DAILY BETWEEN MID-NIGHT AND FIVE A.M., THERE ARE NO EMERGENCY MEASURES IN FORCE, AND DAILY LIFE IS QUITE NORMAL WITHIN THE FRAMEWORK OF ARMY

RULE. THE TOP MILITARY FIGURES HAVE REAFFIRMED THE INDEPENDENCE OF THE JUDICIARY, AS LONG AS IT DOES NOT OPPOSE THE PROCLAIMED AIMS OF THE COUP D'ETAT (VIZ., A NEW AND BETTER DEAL FOR BURUNDI'S MASSES), AND THE COURTS ARE FUNCTIONING FREELY. HOWEVER, THERE IS NO TRADITION OF A STRONG AND INDEPENDENT JUDICIARY IN BURUNDI IN ANY POLITICAL OR CONSTITUTIONAL SENSE, ALTHOUGH MOST JUDGES WOULD PROBABLY TRY TO CARRY OUT STATUTES GRANTING DEFENDANTS IN CRIMINAL CASES VARIOUS PROCEDURAL RIGHTS. AT LEAST FOUR LEADING FIGURES OF THE PRE-COUP REGIME (INCLUDING EX-PRESIDENT MICOMBERO) ARE UNDER HOUSE ARREST, AND THERE MAY BE SCATTERED OTHER DETAINEES AROUND THE COUNTRY OF WHOM WE ARE UNAWARE. GENERALLY SPEAKING, HOWEVER, THERE SEEMS TO BE NO SIGNIFICANT POPULATION OF POLITICAL PRISONERS AS SUCH IN BURUNDI. POLITICAL CONFORMITY TENDS TO BE ASSURED THROUGH OTHER SOCIAL, ECONOMIC, AND ADMINISTRATIVE PRESSURES, RATHER THAN VIA POLICE MEASURES.

3. SINCE THE POLICE FORCE (GENDARMERIE) IS PART OF THE MILITARY, AND SINCE THE MILITARY RUN THE COUNTRY, THERE IS ALWAYS THE OPPORTUNITY FOR ARBITRARY ARREST, EXPULSION ABROAD, PHYSICAL HARASSMENT BY CORRUPT POLICE PERSONNEL, ETC. DURING INTERROGATION OF SUSPECTED CRIMINALS, CRUEL METHODS ARE OFTEN APPLIED, REPORTEDLY RESULTING ON OCCASION IN DEATH. ON THE OTHER HAND, THERE DOES NOT SEEM TO BE ANY SYSTEMATIC APPLICATION OF TORTURE OR INHUMAN PUNISHMENT, AND THE NEW REGIME SEEMS TO WANT TO MAKE JUDICIAL AND POLICE ACTION MORE JUST, LESS CORRUPT, AND RELATIVELY HUMANE. IN ADDITION, IT CAN BE SAID THAT, WITH OCCASIONAL EXCEPTIONS, GREAT NUMBERS LIMITED OFFICIAL USE

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OF PEOPLE WHO HAVE BEEN IMPRISONED IN THE PAST FOR BOTH POLITICAL AND CRIMINAL REASONS HAVE EMERGED FROM CONFINEMENT NONE THE MUCH WORSE FROM WEAR. IN ANY EVENT, MANY OF THE HUMAN RIGHTS FAILINGS OF BURUNDI'S JUDICIAL SYSTEM ARE THE RESULT OF ITS ONLY RECENT EMERGENCE AS A MODERN STATE AND OF ITS TERRIBLE POVERTY AND BACKWARDNESS IN TRAINED PERSONNEL, JURIDICAL INFRASTRUCTURE, AND RELEVANT ATTITUDES.

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4. THERE IS NO TRADITION OF WESTERN POLITICAL AND CIVIL RIGHTS IN BURUNDI. IF ASSEMBLIES TAKE PLACE, THEY DO SO BECAUSE A GOVERNMENT AGENCY, A CHURCH, OR A SCHOOL HAS CONVOKED THEM. THERE ARE NO DAILY NEWSPAPERS IN BURUNDI, EXCEPT FOR A MIMEOGRAPHED NEWS BULLETIN OF THE GOVERNMENT PRESS AGENCY, AND IT ONLY RARELY CARRIES A "LETTER TO THE EDITOR". THE STATE RADIO ORIENTS THE PUBLIC, BUT IS NOT A FORUM FOR EXPRESSION OF POPULAR VIEWS. THE AMERICAN-OWNED PROTESTANT RADIO (RADIO CORDAC) IS NOT AT ALL HARASSED, BUT IT STEERS CLEAR OF POLITICAL SUBJECTS. FREEDOM OF RELIGION IS FAIRLY ABSOLUTE THROUGHOUT THE COUNTRY. THERE IS GENERAL FREEDOM OF MOVEMENT FOR CITIZENS, BUT THE AUTHORITIES ARE TRYING TO INSTITUTE CHECKS ON TRAVEL TO AND FROM BUJUMBURA IN AN EFFORT TO LIMIT THE CAPITAL'S TOO RAPID POPULATION GROWTH, WITH ITS ATTENDANT EVILS. THE NEW REGIME HAS TALKED ABOUT OPENING UP PUBLIC DISCUSSION OF ISSUES AND POLICIES AND ABOUT ENCOURAGING MORE FREEDOM FROM ACTIVITIES WITHIN THE UPRONA PARTY. THIS WILL NOT RPT NOT LEAD TO A FREELY COMPETITIVE, MULTIFACETED POLITICAL LIFE IN BURUNDI BECAUSE THE MEANS AND THE WILL FOR THIS ARE LACKING. THE REGIME WANTS TO MOBILIZE MASS ENERGIES AND TO GENERATE ENTHUSIASM FOR ITS POLICIES, BUT IT FIRMLY BELIEVES THAT IN THE CONTEXT OF BURUNDI'S MASSIVE UNDERDEVELOPMENT, IT MUST FUNCTION AS A BENEFICENTLY PATERNALISTIC BUT FIRM OVERSEER OF THE COUNTRY'S LIMITED OFFICIAL USE

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POLITICAL LIFE. BURUNDI IS AUTHORITARIAN, NOT TOTALITARIAN.

5. BURUNDI HAS, SINCE INDEPENDENCE, BEEN PLAGUED BY THE HOSTILITY OF ITS TWO ETHNIC GROUPS, THE MINORITY TUTSIS WHO ARE DOMINANT, AND THE MAJORITY (85 PERCENT) HUTUS WHO ARE THE UNDERDOGS. TUTSI EFFORTS TO MAINTAIN CONTROL HAVE LED TO PERIODIC REPRESSION OF THE HUTUS, CULMINATING IN THE 1972 MASSACRES OF MANY TENS OF THOUSANDS. THIS WAS FOLLOWED BY FAIRLY SYSTEMATIC DISCRIMINATION AGAINST HUTUS IN GOVERNMENT SERVICE, ACCESS TO EDUCATION, AND ECONOMIC OPPORTUNITY. THEY

WERE TOTALLY EXCLUDED FROM THE ARMY. WHEREAS THE OLD REGIME PRETENDED THAT NO DISCRIMINATION EXISTED, THE NEW GOVERNMENT, LED BY PRESIDENT BAGAZA'S OWN SPEECHES, HAS EXPLICITLY ACKNOWLEDGED MASSIVE PAST INJUSTICES TO HUTUS AND PROMISED DRASTIC CHANGES. EXCEPT FOR THE INCLUSION OF SEVERAL YOUNG HUTUS IN THE NEW CABINET, WE ARE UNAWARE OF ANY OTHER CONCRETE STEPS TAKEN TO RIGHT OLD WRONGS, BUT, IN ALL FAIRNESS, IT IS TOO SOON TO REACH ANY CONCLUSIONS. STILL, ANNOUNCED REGIME PRIORITIES FOR RURAL DEVELOPMENT, EXPANDED PRIMARY EDUCATION, AND BETTER GRASS ROOTS HEALTH SERVICES, IF CARRIED OUT, CANNOT HELP BUT BENEFIT THE HUTUS. MOREOVER, THE PRESIDENT HAS PROMISED CONSIDERABLE FREEDOM TO ALL ORDINARY CITIZENS IN CHOOSING NEW UPRONA PARTY FUNCTIONARIES, AND THIS MIGHT HELP THE EMERGENCE OF A NEW CROP OF HUTU LOCAL ADMINISTRATIVE OFFICIALS. BOTH HUTUS AND TUTSIS SEEM GENERALLY SECURE IN THEIR PROPERTY RIGHTS.

6. AT THE TIME OF THE 1972 KILLINGS, AND TO A DIMINISHING EXTENT IN SUBSEQUENT YEARS, VARIOUS PRIVATE ORGANIZATIONS HAVE TAKEN AN INTEREST IN BURUNDI'S "GENOCIDAL" PROBLEMS. THE INTERESTED GROUPS HAVE INCLUDED AMNESTY INTERNATIONAL IN BRITAIN, ACADEMIC GROUPS IN THE U.S. AND WESTERN EUROPE, AND POLITICAL AND TRADE UNION ORGANIZATIONS (ESPECIALLY CHRISTIAN SOCIALIST AND SOCIAL DEMOCRATIC) IN BELGIUM. SOME REPORTING COMES FROM HUTU EXILE GROUPS IN EUROPE WHICH ARE BITTERLY OPPOSED TO ANY TUTSI-LED GOVERNMENT IN BURUNDI. ALMOST ALL OF THE FOREGOING LITERATURE IS NOW OUTDATED, AND MUCH OF IT LIMITED OFFICIAL USE

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WAS NOT VERY ACCURATE IN THE FIRST PLACE.

7. WHATEVER THE VIEW WHICH THE DEPARTMENT TAKES OF THE CONFORMITY OF BURUNDI'S HUMAN RIGHTS SITUATION WITH CONGRESSIONAL STANDARDS, IT SHOULD BE NOTED THAT, EVEN IF BURUNDI FLUNKS THE TEST, THE PROPOSED MAJOR USAID PROJECT FOR BURUNDI IS ORIENTED PRECISELY AT THE NEEDIEST MASSES (HUTU) IN MUYINGA PROVINCE, AND WOULD THEREFORE, IN ANY CASE, PRESUMABLY BE EXEMPT FROM TERMINATION UNDER AID LEGISLATION. MARK

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